

NO. PD-0867-18

TROY ALLEN TIMMINS

VS.

THE STATE OF TEXAS

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IN THE COURT OF

CRIMINAL APPEALS

AUSTIN, TEXAS

FILED
COURT OF CRIMINAL APPEALS
2/27/2019
DEANA WILLIAMSON, CLERK

MOTION TO PERMIT FILING OF ADDITIONAL BRIEFS

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Troy Allen Timmins, Appellant in the above styled and numbered cause, and moves this Court to permit filing of additional briefs, pursuant to Rule 70.4 of the Texas Rules of Appellate Procedure, and for good cause shows the following:

1. This case is on appeal from the Fourth Court of Appeals in San Antonio, Texas.
2. On February 19, 2019, the State filed its brief in response to Appellant's brief.
3. The issues before this Court are issues of first impression.
4. The Rules of Appellate Procedure do not expressly provide for the filing of a reply to the State's brief. However, Rule 70.4 of the Texas Rules of Appellate Procedure provides that "upon motion by a party the Court may permit the filing of additional briefs."
5. Appellant requests that this honorable Court permit Appellant the opportunity to file a reply brief to the State's brief that has been filed. Appellant requests that the deadline for filing a reply brief be set fourteen (14) days from the date of any order granting this motion.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this Motion To Permit Filing of Additional Briefs, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on February 27, 2019, a true and correct copy of the above and foregoing document was served on the Hon. Scott Monroe, 198th Judicial District Attorney, 402 Clearwater Paseo, Kerrville, Texas 78028, by E-Service at *scottm@198da.com*; and on the Hon. David Schulman, 1801 East 51st Street, Suite 365-474, Austin, Texas 78723, by E-Service at *zdrdavid@dauidschulman.com*.

/s/ M. Patrick Maguire

M. Patrick Maguire